

Congress of the United States

Washington, DC 20515

July 20, 2005

The President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

Since the day you signed the Bipartisan Campaign Reform Act of 2002 (BCRA) into law, it has been under attack by critics and skeptics who prefer the corrupt soft money system we worked so hard to eliminate. Your Department of Justice performed admirably in defending the constitutionality of the law in court, ultimately prevailing in the landmark *McConnell v. FEC* decision. At the same time, however, the Federal Election Commission (FEC) has tried feverishly to dismantle the new law through its rulemaking process.

Last week, a federal appeals court rebuked the FEC and affirmed a lower court decision that struck down a number of the FEC's post-BCRA regulations. For the court's majority, Judge David Tatel said, "If regulatory safe harbors permit what BCRA bans, we have no doubt that savvy campaign operators will exploit them to the hilt, reopening the very soft money floodgates BCRA aimed to close. Because the rules at issue in this appeal either fall short of Congress's mandate or lack record support showing otherwise, we affirm their invalidation by the district court."

This decision once again highlights the FEC's long-term defiance of the Bipartisan Campaign Reform Act and the need for an agency that will uphold our nation's campaign finance laws. The capricious acts of the FEC, now soundly rejected by an appellate court decision as well as the Supreme Court in *McConnell*, thwart the intentions of both you and Congress.

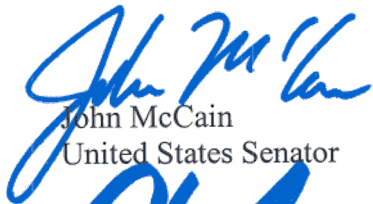
Your 2004 campaign itself was harmed by the FEC's unwillingness to enforce the law when it failed to act on your campaign's petition, among others, to regulate 527 groups. Your former campaign chairman, Mark Racicot, and RNC Chairman Ed Gillespie called the FEC decision to not rein in 527s "irresponsible" and stated, "Thanks to the deliberate inaction by the Federal Election Commission, the battle of the 527's is likely to escalate to a full scale, two-sided war."

Four of the six positions on the FEC are now technically vacant, and nominations to fill those seats can be made. This presents you with an extraordinary opportunity to nominate commissioners who are serious about their duty to enforce campaign finance laws and who will properly implement BCRA, whatever their personal views on the law.


One such individual, Commissioner Scott Thomas, is eligible for and deserves reappointment.

Our campaign rules are designed to prevent corruption and promote fairness and competition. As the original sponsors of BCRA, we respectfully ask for your leadership in appointing FEC commissioners who will uphold the letter and spirit of our nation's campaign finance laws.

Sincerely,



John McCain
United States Senator



Christopher Shays
United States Representative



Russell D. Feingold
United States Senator



Marty Meehan
United States Representative